

CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 16-006

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY CONTAINING 5.927 ACRES LOCATED AT THE SOUTHEAST QUADRANT OF DELAPLAIN ROAD AND BARKLEY LANE IN SCOTT COUNTY, KENTUCKY FROM A-1 to I-1

SUMMARY

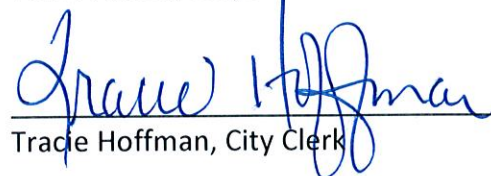
Amends the official Georgetown-Scott County Zoning Map to show a change in the zoning classification for certain real property consisting of a portion of a 5.927 acre parcel located at the southeast quadrant of Delaplain Road and Barkley Lane in Scott County, Kentucky from Agricultural (A-1) to Light Industrial (I-1) in the City of Georgetown, Scott County, Kentucky, which amendment is contingent upon the passage of the Ordinance annexing the property into the City limits; provides for severability, repeal of inconsistent ordinances and an effective date upon passage and publication.

The full text of Ordinance 16-006 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

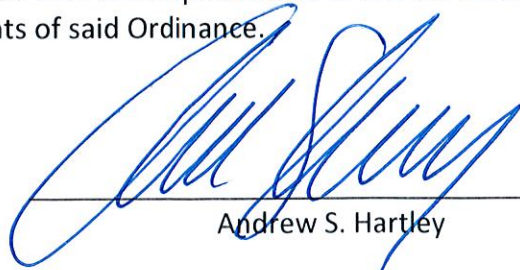
INTRODUCED AND PUBLICLY READ FIRST TIME: June 13, 2016

PUBLICLY READ SECOND TIME AND PASSED: June 27, 2016

APPROVED: 
Tom Prather, Mayor

ATTEST: 
Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 16-006 of the City of Georgetown, Kentucky was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.


Andrew S. Hartley

CITY OF GEORGETOWN

ORDINANCE NO. 16-006

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY CONTAINING 5.927 ACRES LOCATED AT THE SOUTHEAST QUADRANT OF DELAPLAIN ROAD AND BARKLEY LANE IN SCOTT COUNTY, KENTUCKY FROM A-1 to I-1

SPONSOR: Council Member David Lusby

WHEREAS, the application of OTIS S. WELLS and WILMA A. WELLS, his wife, of 112 Barkley Lane, Georgetown, Kentucky 40324, JUDITH ANN WELLS, a single person, of 106 Barkley Lane, Georgetown, Kentucky 40324, and CYRON HOLDINGS, LLC, a Nevada limited liability company, with a mailing address of 444 East Main Street, Suite 303, Lexington, Kentucky, 40507 having been filed with the Georgetown-Scott County Planning Commission on or about the 1st of April, 2016, requesting a zoning classification change of certain real property consisting of a total of 5.927 acres located at the southeast quadrant of Delaplain Road and Barkley Lane in Scott County, Kentucky as more particularly described in Exhibits A and B, attached hereto and incorporated by reference herein from A-1 to I-1; and

WHEREAS, the matter having been heard publicly by the Planning Commission on the 12th day of May, 2016, pursuant to notice according to law and with a quorum present and voting; and

WHEREAS, after taking testimony on the application and fully considering same, the Planning Commission voted to make certain findings of fact and to recommend approval of the application to the Georgetown City Council; and

NOW, THEREFORE, Be it ordained by the City of Georgetown, Kentucky:

SECTION ONE

That the Findings of Fact and Recommendations of the Planning Commission are hereby adopted and incorporated herein as if fully copied at length

SECTION TWO

That the Georgetown-Scott County official zoning map is hereby amended to show a change in the zoning classification for certain real property consisting of a total of 5.927 acres located at the southeast quadrant of Delaplain Road and Barkley Lane in Scott County, Kentucky as more particularly described in Exhibits A and B, attached hereto and incorporated by reference herein from Agricultural (A-1) to Light Industrial (I-1) in the City of Georgetown, Scott County, Kentucky. Such amendment is hereby made expressly contingent upon and effective only after the passage and effectiveness of the Ordinance annexing of the Property into the city limits of the City of Georgetown.

SECTION THREE

That the Georgetown-Scott County Planning Commission is hereby directed to show these zoning classification changes on the official zoning map and to make reference to the number of this Ordinance.

SECTION FOUR

If any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION FIVE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

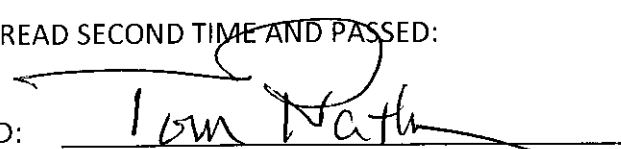
SECTION SIX

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 13, 2016

PUBLICLY READ SECOND TIME AND PASSED: June 27, 2016

APPROVED:


Tom Prather, Mayor

ATTEST:


Tracie Hoffman, City Clerk

CYRON HOLDINGS ZONE CHANGE
Staff Report to the Georgetown-Scott County Planning Commission
May 12, 2016

FILE NUMBER: ZMA-2016-21

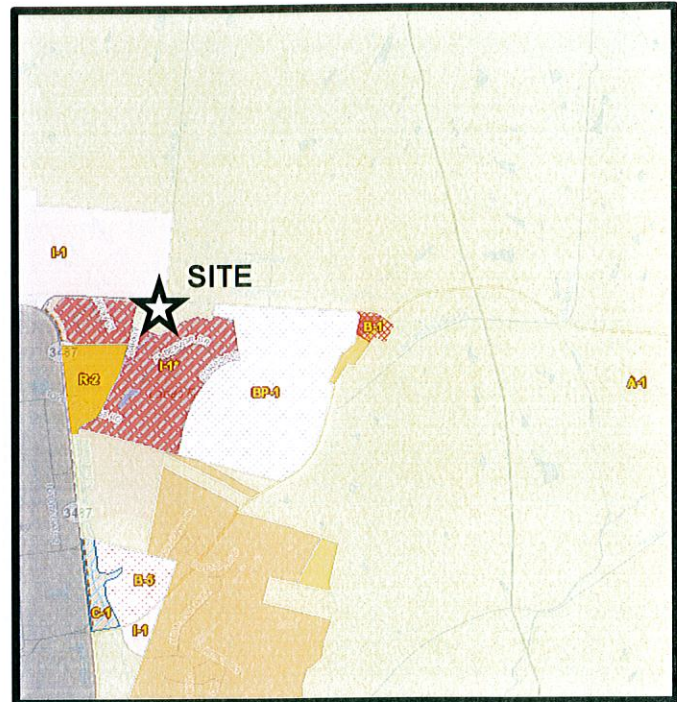
PROPOSAL: Zone change request for approximately 5.9 acres from A-1 to I-1.

LOCATION: southeast of intersection of Barkley Lane and Delaplain Rd.

APPLICANT: Judith and Wilma Wells

ENGINEER: Robert Baldwin, Baldwin Engineering

ATTORNEY:



STATISTICS:

Existing Zone	A-1 (Agricultural),
Proposed Zone	I-1 (Light Industrial)
Surrounding Zones	A-1 (Agricultural), I-1, and BP-1 (Business, Research & Technology Park)
Acreage	5.9 acres
Proposed Use	Industrial
Sq. Ft. of Buildings	50,000 to 74,000 SF building
Max. Building Coverage	50%
Prop. Building Coverage	29%
Required Parking	1 space per 2 employees maximum shift
Proposed Parking	30 spaces
New street required	No
Water/sewer available	Yes/Yes
Access	Via existing entrance from Delaplain Road
Variance Requested	None

BACKGROUND:

The subject property is located southeast of the intersection of Delaplain Road and Barkley Lane and includes two adjacent parcels with rural residential homes on an area of approximately 5.927 acres in total. The subject property currently is accessed by Barkley Lane which serves these two residential lots and then continues to the south and dead ends on City-owned property between Sewer Treatment Plant

#2 and Lanes Run Business Park. The subject property is within the Georgetown Urban Service Boundary and is surrounded on three sides by the city limits of the City of Georgetown. Lanes Run Business Park land is to the south and west.

The Applicant is seeking to rezone the entirety of the property from A-1 (Agricultural) to I-1 (Light Industrial) zoning, in order to build a large industrial building to support a number of industrial related businesses.

The surrounding zones include:

- A-1 (Agricultural)
- I-1enhanced (Business, Research & Technology Park with additional permitted uses)
- I-1 (Light Industrial)
- BP-1 (Business, Research & Technology Park)

The land outside of the existing city limits in this area is generally zoned A-1, Agricultural. Land within the city limits in this area is generally light industrial or business park zoning. This area of the county around the TMMK plant is planned for Industrial on the Comprehensive Plan Future Land Use Map. The subject property is planned for industrial uses on the Future Land Use Map.

LEGAL CONSIDERATIONS:

Any zone change request is required to meet the following standards from *Kentucky Revised Statutes*, Chapter 100:

Section 100.213 Findings necessary for proposed map amendment – Reconsideration.

1. *Before any map amendment is granted, the planning commission . . . must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:*

- a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;*
- b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.*

Part 1: The Comprehensive Plan and Future Land Use Map provide guidance for consideration of zone change requests. The requested I-1 zone district complies with the Future Land Use Map. The FLU shows the desired area remaining as is, I-1 Industrial.

Therefore, Part 1 does applies. Part a or b need not be considered.

CONCEPTUAL PLAN REVIEW:

The following comments reflect review of the conceptual development plan submitted as part of the zone change request to the I-1 standards.

Site Layout:

Appropriate setbacks have been shown (Front: 50', Side: 12', Rear: 25'). A Landscape Buffer Area (LBA) has been shown. It is required to be 15 feet wide where I-1 adjoins A-1 lots.

The large building on site is shown to be built in two phases. A 50,000 square foot phase one which will be centered on the site and a future 24,000 square foot addition to the north. The buildings shown meet all the requirements of the I-1 District as far as setbacks, maximum height and building area coverage. Parking is shown in the rear of the buildings which would be optimal from the standpoint of screening vehicles from the street. It is recommended that all loading and unloading areas also be in the rear.

Because the site is surrounded by industrial land that is restricted by Lanes Run Business Park design standards that attempt to create a business park setting by setting uniform site design standards, it is recommended that the rezoning to I-1 be conditioned upon the applicant following the Business Park (BP-1) performance standards. The applicant proposes to purchase some low lying land along Lanes Run Creek to utilize for any potential stormwater mitigation. The additional acreage is shown on the concept plan, is owned by the City of Georgetown, and is zoned I-1, enhanced. No buildings are proposed for this area. At the time of Preliminary Development Plan review, the applicant will need to provide a stormwater management plan and follow the guidance of the City of Georgetown Stormwater manual.

Vehicular Access:

The subject property will be accessed from Barkley Lane which intersects with Delaplain Road just west of the subject property. The applicant is proposing to widen the road and convert it into a private driveway for the business. This will involve acquiring the right-of-way from the centerline to the adjoining ditch line for the property across the street and abandoning the remainder of the street beyond the current property frontage. This process will take some time and involve adjoining property owners, including the City of Georgetown and Scott County, agreeing to the plan.

The applicant will be required to widen Barkley Lane to serve as their access whether it is abandoned as a through street or not. Barkley Lane is currently 12-13' feet of pavement width. Sight distance at the intersection of Barkley Lane and Delaplain Road is 655 feet to the east and 265 feet to the west. Additional signage may be required to alert eastbound drivers of the enhanced commercial driveway. This can be studied further and determined at the time of Preliminary Development Plan review.

Landscaping:

The *Landscape and Land Use Buffer Ordinance* requires a 15-foot wide Landscape Buffer Area along property boundaries adjoining agricultural land. At this time, the applicant has shown a landscape buffer along the adjoining property. Additional vehicular use area landscaping will be required at the time of Preliminary Development Plan submittal.

At the Preliminary Development Plan stage, the Applicant will be required to show appropriate landscaping which meets the requirements of the *Landscape and Land Use Buffer Ordinance* and the *Subdivision and Development Regulations*.

Waivers

None Requested

RECOMMENDATION:

Based on the findings that the requested zone change does satisfy the requirements of KRS 100.213, Part 1, staff recommends **approval** of the zone change request for 5.927 acres located southeast of the intersection of Barkley Lane and Delaplain Road. Staff recommends consideration of the following conditions:

Conditions of Approval:

1. The property be annexed into the City of Georgetown prior to development.
2. The Applicant shall return to the Planning Commission for Preliminary Development Plan approval.
3. The Applicant shall be subject to the building and site performance standards of the BP-1 District and shall return to the Business Park Board for Preliminary Development Plan approval.
4. Property perimeter buffering, arterial road buffering, and Vehicular Use Area landscaping shall be provided to meet the requirements of the *Landscape and Land Use Buffer Ordinance*, and *Subdivision & Development Regulations*.
5. All stormwater and runoff shall be managed so as not to create additional off-site impacts.
6. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
7. All requirements of GMWSS regarding the provision of sanitary sewer.
8. All requirements of KY American Water regarding the provision of water.
9. Final access improvements to Barkley Lane and/or Delaplain Road including right-of-way dedication for Delaplain Road shall be determined at the time of Preliminary Development Plan submittal.

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 12, 2016**

The regular meeting was held in the Scott County Courthouse on May 12, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Regina Mizell, Byron Moran, John Shirley, Steve Smith, and Frank Wiseman, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent were Director Joe Kane and Commissioners Jeff Caldwell and Mark Sulski.

Chairman Jones read a Resolution acknowledging the Commission's gratitude for the service of Janet Holland, whose terms on the Commission have come to an end. Janet served for eleven years and exemplified the involved citizen who provided serious and well considered questions and opinions. **Motion by Shirley, second by Smith, to adopt the Resolution acknowledging the Commission's appreciation for Janet's active service, support, and leadership. Motion carried unanimously.**

Motion by Wiseman, second by Smith, to approve the April invoices. Motion carried.

Motion by Smith, second by Moran, to approve the April 14, 2016 minutes. Motion carried.

Motion by Mizell, second by Smith, to approve the May agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Clark's Pump 'n Shop Store, Canewood Center Drive Restaurant & Bar, and Overlook at Elkhorn Creek Phases III & IV applications have been postponed to the June meeting. The CSI Group Global HQ and Habitat for Humanity applications have been withdrawn.

Motion by Shirley, second by Mizell, to approve the postponements and withdrawals. Motion carried.

Consent Agenda

A representative of the Delaplain Industrial Park Lot 3 application agreed to their conditions of approval and there were no comments from the public or Commission.

Motion by Shirley, second by Wiseman, to approve the Delaplain Industrial Park Lot 3 application. Motion carried.

A representative of the Delaplain Industrial Park Lot 3, Parcel 4 application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Wiseman, second by Smith, to approve the Delaplain Industrial Park Lot 3, Parcel 4 application. Motion carried.

A representative of the Smith Property – Eagle Bend application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Moran, to approve the Smith Property – Eagle Bend application. Motion carried.

A representative of the DWH Land Property application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Wiseman, to approve the DWH Land Property application. Motion carried.

ZMA-2016-21 Cyron Holdings – Zone change request for approximately 5.9 acres from A-1 to I-1 and Conceptual Development Plan for a 50,000 sq. ft. facility and potential 24,000 sq. ft. addition, located on the southeast corner of Barkley Lane and Delaplain Rd. PUBLIC HEARING

Chairman Jones opened the public hearing.

Everyone intending to speak before the Commission was sworn in by Mr. Perkins.

Mr. Summers reviewed the staff report, stating that the request is in agreement with the Comprehensive Plan. He addressed the Conceptual Development Plan, stating that, because the site is surrounded by the BP-1 zoning of the Lanes Run Industrial Park which has specific design standards, the applicant has agreed to comply with those standards.

Regarding vehicular access, he explained the applicant's proposal to make Barkley Lane their private driveway. They will need to work with the City and/or County to acquire the right-of-way, and if acquired, will widen the road for truck use. The street beyond their frontage would be abandoned.

Landscaping will be addressed at the development plan stage.

He recommended approval subject to nine (9) conditions.

Chairman Jones asked if a traffic study was required. Mr. Summers stated that it will be done at the development plan stage.

John Rompf, representing the applicant, stated that they agreed to abide by the BP-1 performance standards (except the requirement to have 25 acres).

Betsy Groff, adjoining property owner, expressed concern about the hours of operation, stormwater drainage, noise, lights, and increased traffic. She also expressed concern about the bridge at the end of Barkley Lane, which is not well maintained. She stated that heavy rains flood the bridge and water backs up. If the bridge deteriorates further, brush and debris will clog it up more, causing more flooding that will back up into the floodplain.

Paul McQuirtor, owner of Cyron Holdings, stated that the hours of operation will probably be daytime hours. He didn't foresee that that would change in the immediate future. He stated that the performance standards of the BP-1 zone address the lighting, noise, and drainage issues.

Mr. Combs stated that the regulations specify that water leaving the site after development cannot be more than what leaves the site before development. He stated that the abandonment of Barkley Lane beyond this property would almost certainly include the removal of the old bridge, which would help water back-up situation.

Mr. McQuirtor stated that the type of businesses will include warehousing, assembly, and repair of tools. The extent of the noise would be from tractor-trailer trucks coming onto and leaving the site.

Chairman Jones closed the public hearing.

Motion by Shirley, second by Mizell, to recommend approval of the rezoning request from A-1 to I-1 based on staff's recommendations, including its compliance with the Comprehensive Plan. By roll call vote, motion carried 5-0.

PDP-2016-23 Lena Wise Property – Preliminary Development Plan for a 2,400 sq. ft. large animal working facility, zoned A-1 (Agriculture), located at 1364 Lexington Road.

Mr. Summers reviewed the staff report. He noted that this is an amendment to the previously-approved application for a 7,521 sq. ft. dog kennel. This application proposes a 2,400 sq. ft. large animal facility and a 12' wide gravel driveway extending to the back of the lot to serve that facility.

He stated that concern was expressed about potential noise from this facility. He stated that the applicant can better address that issue.

He recommended approval of the Preliminary Development Plan and the waiver to allow the gravel driveway as the driveway will get minimal use so chances of dust impacting the neighbors is minimal. The gravel driveway will also have less impact on stormwater.

Scott Weakley, applicant, stated that they had a large animal clinic at their previous site, which is being sold. They would like to move the clinic to provide the service to the local farmers. He stated that the barn would be primarily enclosed, but some areas might be open to allow air flow and ventilation. He described the clinic operation, which will be a Morton-type building. He stated that the livestock will not make much noise if they are in the pasture.

Mr. Weakley stated that one reason for the gravel is to prevent horses from slipping on pavement when being unloaded from a trailer. Normal operating hours will be from 7:30–5:00, but emergencies sometimes occur. He stated that Scott County has been identified by the USDA as an area in need of large animal veterinary services, and that they have recently hired a veterinarian who will specialize in large animals.

Chairman Jones asked about fencing. Mr. Weakley stated that in the future they hope to construct paddocks, a fenced unloading area, and a fence between the kennel facility and the large animal facility.

Roger Quarles asked about the septic system. Mr. Weakley stated that bathroom facilities will be in the kennel building. Mr. Quarles stated that noise from the operation will negatively impact his adjacent commercial venture for weddings and picnics. He expressed concern about drainage onto his property and animals getting loose. He asked that a perimeter fence be required and that the same noise mitigation measures be required for the large animal facility as were required for the kennel. He added that a 6' fence is necessary to contain animals that are agitated, not a regular farm fence.

Mr. Weakly agreed that the existing fence is not substantial enough and that a better fence needs installed. The location of the fence and the type of building were discussed.

Scott Trisch, Mr. Weakley's partner, stated that both their property and Mr. Quarles' property are zoned A-1. They are using their property for agricultural purposes, yet Mr. Quarles is concerned that his wedding business will be impacted. Mr. Trisch felt that they could rightfully be concerned that his wedding business (loud music, etc.) could upset their animals.

Mr. Quarles stated that they were granted approval and invested money in the wedding business before the dog kennel and large animal facility were proposed.

Commissioner Shirley felt that the large animal facility is more of an agricultural use than a wedding business.

Commissioner Smith stated that there is a need for a large animal services in Scott County. He often has to take animals to Harrison County for treatment.

Mr. Quarles stated that he is simply asking that the same restrictions be placed on this facility that were placed on the kennel.

It was agreed that a condition #10 would be added requiring a fence to be constructed as proposed.

Stormwater drainage was discussed.

Motion by Shirley, second by Wiseman, to approve the Preliminary Development Plan subject to the nine (9) conditions of approval plus the tenth (10) condition regarding appropriate fencing, and including the waiver regarding the gravel driveway. Motion carried.

ZMA-2016-24 Bluegrass Baptist Church Zone Change - Zone change request for approximately 3.3 acres from A-1 to B-2 Highway Commercial and Conceptual Development Plan for a 12,000 sq. ft. equipment and tool rental facility, located on the southwest corner of U.S. 25 S. and New Coleman Lane. PUBLIC HEARING

Chairman Jones opened the public hearing.

Ms. Chan reviewed the staff report. She stated that the property is located south of the Greenbelt and the Urban Service Area which has historically been intended to remain agricultural, through the Comprehensive Plan and the 2013 US 25 Small Area Plan. She stated that the proposed zone of B-2 would allow any commercial use and at 50% building coverage of the site. She stated that there are constraints on this site with the need for an on-site septic system, so that does limit the way they could use it.

She described the proposed conceptual plan for a tool rental facility. She then reviewed the permitted uses, conditional uses, setbacks and other standards in the B-2 zone.

Ms. Chan then reviewed the Comprehensive Plan criteria for granting zone changes. As outlined in detail in the staff report, she reviewed why this application does not comply with any of the criteria. Staff recommended denial of the zone change on those grounds.

Chairman Jones asked about sanitary sewer. Ms. Chan stated that the applicant intends to use on-site septic because they do not have access to public sewer. Chairman Jones then asked if New Coleman Lane is acceptable for use by tractor trailers. Mr. Combs stated that the new section is probably acceptable.

Kyle Fannin, Pastor of Bluegrass Baptist Church, reviewed the history and growth of the church. He stated that this 3.3 acres would soon be outgrown by the church, and noted their unsuccessful attempts to purchase adjacent property. They subsequently purchased 18 acres on Ironworks Road, and recently had a Preliminary Development Plan approved for their proposed facility on that property.

Pastor Fannin felt they have justifiable evidence to support the zone change. He felt that there have been major changes of economic, physical, or the social nature of the area which were not anticipated in the adopted Comprehensive Plan. He presented maps/photos from 2005 and 2016 showing changes that have been made in the area, including a two lane road that took part of their property and Bevins Motor Company. He showed photos of other B-2 uses in the area.

Brian Fulcher, Associate Pastor of Bluegrass Baptist Church, stated that as former Pastor of New Hope Independent Baptist Church, that congregation purchased the property in 2004 from Bill Bevins. Their intent was to build on the property, which was five acres at that time. After right-of-way was purchased by the State for the road widening, and another transaction with Bill Bevins, the church had 3.43 acres. In 2011, the church voted to dissolve as a congregation and give all of its assets to Bluegrass Baptist Church. He joined the staff in 2012. He continued to describe the history of their plans to expand.

Pastor Fulcher felt that A-1 zoning for the property is out of place and that B-2 zoning would benefit the citizens of Scott County.

David Culton, Bypass Rental, opposed the proposed business for the property because it is a corporate competitor of his business, and his business was denied on B-2 zoned property in Georgetown. He was told that his business belonged on I-1 zoned property.

Peggy Blanton, Coleman Lane resident, stated that the notification letter did not state that the proposed use is for an equipment rental company. She opposed the application because that type of use will negatively impact the rural environment

they chose to live in when they purchased their property. She expressed concern about New Coleman Lane handling the weight of tractor trailer trucks.

John Sosbie, an attorney with an interest in agricultural property, clarified that Sunbelt Rental rents industrial and farm equipment. He felt farm rental equipment would be useful in an agricultural area.

Ms. Chan stated that Bypass Rental was denied because of the outdoor storage. The Board of Adjustment ultimately ruled that outdoor storage needs additional screening and other concerns addressed when in a B-2 zone.

In response to Pastor Fannin's comment that approving the zone change is common sense and would not change the character of the area, Ms. Chan stated that it would change the character by allowing commercial zoning to extend further. There are other uses allowed within A-1 zoning, not just agriculture. Rural residential use and several conditional uses are permitted, such as veterinary clinic, church, and school. So other uses are allowed, just smaller-scaled uses that would not promote expansion of B-2 uses.

She stated that in reading Sunbelt Rental's information, she gathered that rental of agricultural equipment is not their primary focus. Their primary focus is commercial in nature and they should be located in an urban area. Chairman Jones asked if I-1 zoning is more appropriate for these types of rental businesses. Ms. Chan felt that I-1 or B-2 could be appropriate, but in B-2 Sunbelt will encounter the same issues that Bypass encountered and will need a conditional use permit for outdoor storage, or contain all the equipment indoors.

Mr. Culton stated that the Board of Adjustment stated that Bypass Rental is more suited to I-1 (Light Industrial) zoning because of the outdoor storage. Ms. Chan added that the Board of Adjustment met twice, and at the second meeting determined that B-2 zoning was not appropriate, that they needed to be in an I-1 zone.

Pastor Fannin stated that Bevins Motor Company has outdoor storage, so another business with outdoor storage will not change the viewshed. He maintained that rezoning the property to B-2 is common sense. He stated that slaughterhouses, junkyards, and kennels are also conditional uses in the A-1 zone.

Ms. Chan stated that as a planner, the planning and zoning side of an issue is what is considered, not an entity's business deal.

Commissioner Wiseman stated he was recently looking for 4 acres of farmland to rent, so that it is not true that the property cannot be used for agriculture. Mr.

Culton stated that Sunbelt rents more equipment for commercial, contractor, and homeowner use, not necessarily agricultural use.

Commissioner Wiseman stated that there was justification for approving Bevins Motor Company because of its relationship to agriculture. He felt that the Commission "has its finger in the dike," and if this application is approved, the dam will be torn down. Pastor Fannin stated that the Commission is competent and can review case by case, and no other properties are in the same set of circumstances as this property. He stated that this is an isolated case with extraneous circumstances.

Chairman Jones stated that several more properties further south on U.S. 25 could follow suit and ask for rezoning to B-2. He stated that a Small Area Study was done and approved that recommended the area remain agricultural.

Commissioner Shirley stated that the Bevins zone change was approved the day of or night before the U.S. 25 Small Area Study was completed and adopted. The Commission supported the vast majority of citizens who wanted the corridor to remain agricultural. The community said they did not want the road to look like Nicholasville Road in Fayette County. Taxpayer money was spent to formulate a plan supported by the community.

Pastor Fannin felt that the church members' opinion should have been given more weight since they own the property. He stated that the issue is not about money, but they do want to maximize their investment. He emphasized that there have been significant changes to this property, both physically and economically, as they have demonstrated.

Commissioner Smith stated that he supported the Bevins zone change because it was crucial that they remain in the county, as they are the only farm dealership here. He stated that agriculture provides the viewscapes that most people want to preserve, whether it's cattle, sheep, horses, or crops. If agriculture is not doing well, our viewscapes are not doing well. The justification for approving Bevins was an effort to help that agricultural industry and every farmer in the county was supportive. He felt that most of the public would be supportive also if they realized how critical that support is to agriculture. He stated that there was no intention when it was zoned to B-2 to create a B-2 zone from there to Lexington. Approving this current zone change may do that.

Jessica Noto, Bluegrass Baptist Church member, stated that a variance is approved when not approving it causes undue hardship. Ms. Chan stated that this is a zone change application, not a variance.

Commissioner Smith stated that it would be especially unfair to Bypass Rental given that they had to locate on industrial property.

Pastor Fannin felt that by approving the application, the Commission is not opening up the floodgates to commercial development for everyone on U.S. 25. He stated that if they cannot sell this property for commercial use, then the quality of the church they are building on Ironworks and Coleman Lane will suffer.

Amy Barron, realtor for the applicant, stated that the property was never appraised for residential use as it is doubtful that anyone would want to build a house next to Bevins Motor Company. She asked if Sunbelt Rental were not buying the property if it is rezoned, would the Commission allow another B-2 use. Commissioner Shirley felt that many of the permitted uses that could locate on the property and further south of U.S. 25 are inappropriate.

Discussion continued on what type of business would be appropriate on the site.

John Sosbie felt that the economic and physical changes have already happened in the area, which justifies the zone change.

Paul Carrico, Bluegrass Baptist Church member, listed other commercial sites that are visible coming into Georgetown on U.S. 25 from the south. Pastor Fannin stated that Coleman Lane would be a good cutoff point for commercial development.

With no other comments from the applicant or public, Chairman Jones closed the public hearing.

Chairman Jones sympathized with both sides of the issue.

Commissioner Shirley felt strongly that approving the application will open the floodgates to development and go against the wish of the community to preserve the remaining open space on U.S. 25 South. He stated that it is directly against the Comprehensive Plan and U.S. 25 Small Area Plan, and would cause the planning staff and community to feel like their efforts are meaningless.

Commissioner Wiseman asked if the matter could be continued because it is late and he preferred to have more time to consider his vote.

The time limit on taking action on a zone change was researched and discussed by Mr. Perkins. It was agreed to continue the matter to a special meeting on Monday, May 16, at 4:30 in the Planning Office.

Motion by Wiseman, second by Smith, to postpone the vote and continue the meeting to Monday, May 16 at 4:30 p.m. in the Planning Office. By roll call vote, motion carried 5-0.

Kennel definition - PUBLIC HEARING Continued

Ms. Chan stated that more siting, location, and performance standards for kennel operations need to be discussed.

Commissioner Shirley felt that action should be taken soon. He proposed allowing a maximum of 10 dogs with a 500' setback in the County, and allowing a kennel only in B-2 commercial or industrial districts within City limits, both with other noise, etc. restrictions.

Commissioner Shirley asked Scott Weakley, Veterinarian, how these regulations will affect his business. Mr. Weakley stated that he has several clients who have 10-12 female dogs for breeding, but not in Scott County. Several clients in Scott County have 4-5 dogs, but it is not a commercial business. He knows several people who foster dogs, but not usually more than 3-5 at a time. He felt the regulations being discussed are reasonable.

Chairman Jones noted that the City of Stamping Ground already limits the number of dogs to five. Mr. Perkins stated that the City of Stamping Ground would have to adopt this ordinance themselves, if they wish.

Commissioner Wiseman felt the fine for non-compliance should be a fine imposed each week, instead of each day. Commissioner Shirley suggested 10 days.

It was agreed that the last sentence in Section 7 would read: Each day's continuance after a 10-day warning will be a violation of this ordinance and constitute a separate offense.

It was agreed that Staff will amend the proposed ordinance to reflect the changes discussed, and present it for action at the meeting on Monday, May 16.

Brian Hayes, northern Scott County resident, stated that it would be difficult in northern Scott County to find property with capacity for a 500' setback. That issue was discussed again. Chairman Jones and Commissioner Mizell supported the 500' standard. Commissioner Wiseman suggested 300'. Commissioner Shirley agreed with 300'. Ms. Chan suggested 10 acres and a 300' setback.

Motion by Jones, second by Mizell, to approve a 500' setback in the proposed kennel ordinance. The motion tied 3-3.

It was agreed that staff would provide a 500' and a 10-acre/300' option and the Commission would take action on the matter at the May 16 meeting.

Chairman Jones closed the public hearing and continued the matter to the Monday, May 16 meeting.

Election of Officers

Motion by Wiseman, second by Mizell, that Chairman Jones remain Chairman by acclamation. Motion carried.

Motion by Shirley, second by Moran, to elect Commissioner Smith as Vice Chairman. Motion carried.

Chairman noted that since the Chair and Vice Chair are from the County, two City Commissioners are needed for the Executive Committee.

Motion by Moran, second by Wiseman, to elect Commissioner Moran to the Executive Committee.

The second seat was available to either Commissioner Caldwell or Sulski. Chairman Jones expressed concern that if two Toyota employees are on the committee (Moran and Caldwell), it may cause problems with maintaining a quorum and periodic conflicts of interest. After discussion, it was decided to postpone election of the second Executive Committee member to the Monday, May 16 meeting.

The meeting was then adjourned.

Respectfully,

Attest:

Rob Jones, Chair

Charlie Perkins, Secretary